



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**JUL 16 2014**

REPLY TO THE ATTENTION OF:

SE-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Statoil USA Onshore Properties Inc.  
c/o Capital Corporate Services, Inc.  
568 Mayfield Road Suite 204  
Cleveland, Ohio 44121

Re: Statoil Eisenbarth Well Response Site  
Cleveland, Ohio  
Site Spill Identification Number: C53G  
General Notice of Potential Liability

Dear Sir or Madam:

The U.S. Environmental Protection Agency has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the Statoil Eisenbarth Well Response Site (SEWRS) and is planning to spend public funds to control and investigate these releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §§ 9601-9675 unless EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the SEWRS, and persons who generated the hazardous substances or were involved in the transport, treatment or disposal of the hazardous substances at the SEWRS. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the SEWRS, including investigation, planning and enforcement costs.

EPA is currently planning to conduct the following actions at the SEWRS:

- a. Conduct an evaluation that will include the following:
  - i. Monitor, sample, assess, and evaluate migration pathways, both surface and subsurface, for contaminants from the Eisenbarth Well Pad to the unnamed tributary to Opossum Creek;

- ii. Assess and evaluate the cause of the fish kill observed in the unnamed of tributary Opossum Creek;
  - iii. Monitor, sample, assess, and evaluate surface waters, stream banks, and sediments of the unnamed tributary of Opossum Creek, and the Ohio River for chemical constituents contained in the products that were stored on the Eisenbarth Well Pad; and
  - iv. Monitor, sample, assess and evaluate surface waters, sediments, and stream banks for potential acute and chronic toxicological impacts on aquatic life and potential recovery of aquatic communities.
- b. Prepare a written report of the results identifying any existing hazards and/or imminent and substantial endangerments to the public health, welfare, and the environment in the tributary of Opossum Creek, Opossum Creek, and the Ohio River and the stream banks.
  - c. Take any necessary response actions to address and abate any identified hazards and/or imminent and substantial endangerments to the public health, welfare, and the environment in the tributary of Opossum Creek, Opossum Creek, and the Ohio River and/or the stream banks.

EPA has received information that your organization may have owned or operated the SEWRS or generated or transported hazardous substances that were disposed of at the SEWRS. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse EPA for costs incurred to date and to voluntarily perform or finance the response activities that EPA has determined or will determine are required at the SEWRS. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse EPA for its costs.

If a consent order cannot be promptly concluded, EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of EPA's costs, for statutory penalties and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is a *U.S. EPA Small Business Resources Information Sheet*, which may be helpful if you are subject to an EPA enforcement action.

Because of the conditions described above, EPA believes that response activities at the SEWRS must be initiated as quickly as possible. Therefore, EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

On July 11, 2014, EPA sent you a proposed Administrative Order on Consent, with a cover letter requiring a response no later than July 18, 2014. As a potentially responsible party, you should

notify EPA in writing by July 18, 2014 of your willingness to perform or finance the activities described above and to reimburse EPA for its costs. Your response should be sent to: Attn.: Arlene Lilly, Enforcement Specialist, U.S. Environmental Protection Agency, Region 5 Superfund Division - Enforcement & Compliance Assurance Branch Enforcement Services Section 1, SE-5J 77 West Jackson Boulevard, Chicago, Illinois 60604-3590

If EPA does not receive a timely response, EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the SEWRS and that your organization has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in a voluntary cleanup action or involved in a lawsuit regarding this site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Sheila McAnaney, Office of Regional Counsel, at 312-353-3114.

Due to the nature of the problem at this facility and the attendant legal ramifications, EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely,



Jason El-Zein, Chief  
Emergency Response Branch 2

Enclosure

cc: Ilana Saltzbart  
Granta Y. Nakayama  
c/o Kirkland & Ellis LLP  
655 Fifteenth Street  
NW Washington, DC 20005

**STATOIL EISENBARTH WELL RESPONSE SITE**

**List of Potentially Responsible Parties Sent General Notice of Potential Liability**

Statoil USA Onshore Properties, Inc.